

13-1109C. Lack of consent; damages.

A patient need not prove that [he] [she] was physically harmed by the [operation] [treatment] [examination or touching] [procedure] to recover damages resulting from the doctor's failure to obtain the patient's consent. Damages may be awarded solely because the doctor's action was not consented to.

USE NOTES

This instruction should be given with UJI 13-1109A where the patient seeks to recover for an unconsented to touching without proof of resulting physical harm. An appropriate element of damages should be added to the general damage instruction, UJI 13-1802.

[As amended, effective November 1, 1991; August 15, 1997; approved, effective February 24, 1998.]